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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/560,759

04/24/2006

Tomas Kreutz

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EXAMINER

ESTRADA, ANGEL R

ART UNIT

PAPER NUMBER

2831

MAIL DATE

DELIVERY MODE

08/18/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/560,759	Applicant(s) KREUTZ, TOMAS	
	Examiner Angel R. Estrada	Art Unit 2831	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11, 13, 14 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11, 13, 14, 16, 17, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/2/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed June 2, 2008 has been considered by the Examiner.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11, 13, 14, 16, 17, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Birmingham et al (US 5,939,676; hereinafter Birmingham).

Regarding claim 11, Birmingham discloses a module (20) to be received in a frame for cable entries and/or pipe penetrations (see figure 5), the module comprising parts that can be adaptable to receive flat cables and/or pipes having an elongated cross section (see figure 5); and a number of sheets that may be peeled off to adapt the module to the flat cable or the flat pipe to be received (see column 2 lines 30-36); but Birmingham lacks the module comprises two end parts and two middle parts and wherein each middle part is formed of a base plate. It would have been an obvious matter of design choice to form the module with two end parts and two middle parts, since such a modification would have involved a mere change in the shape of a component. Where the instant specification and evidence of record fail to attribute any

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significance (novel or unexpected results) to a particular shape, a change of shape is generally recognized as being within the level of ordinary skill in the art. *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

Regarding claim 13, the modified Birmingham discloses the module (20), wherein each end part has a number of sheets (column 2 lines 30-36), giving a rounded form to receive an end of the flat cable and/or the flat pipe, and which sheets may be peeled off to adapt the end part to the received fiat cable or the fiat pipe (column 2 lines 30-36).

Regarding claim 14, the modified Birmingham discloses the module (20), wherein the end parts are identical to parts forming a module for cables and/or pipes having a circular cross section (see figures 3 and 5).

Regarding claim 16, the modified Birmingham discloses the module (20) wherein the base plate is to be directed away from the flat cable or the flat pipe at mounting in a frame (see figures 3-5).

Regarding claim 17, the modified Birmingham discloses the module (20) wherein the module (20) is made of an elastic material (column 4 lines 5-8).

Regarding claim 19, the modified Birmingham discloses a frame (see figure 5) for cable entries and/or pipe penetrations, wherein the frame receives one or more modules according to claim 11 (see figure 5).

Regarding claim 20, the modified Birmingham discloses the frame (see figure 5), wherein the frame has a wedge or other tensioning means (see figure 1).

Allowable Subject Matter

3. Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: The primary reason for the indication of the allowability of claim 18 is:

Regarding claim 18, the prior art does not teach or fairly suggest in combination with the other claimed limitations the module, wherein a blind plate is arranged encircled by the end and middle parts.

This limitation is found in claim 18, and is neither disclosed nor taught by the prior art of record, alone or in combination.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hedtrom (US 7,446,267 and US 7,371,969) and Hellkvist (US 7,631,880) disclose a module for receiving a cable.

5. Any inquiry concerning this communication should be directed to Angel R. Estrada at telephone number (571) 272-1973. The Examiner can normally be reached on Monday-Friday (8:30 -5:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) OR 571-272-1000.

August 4, 2010

/Angel R. Estrada/
Primary Examiner, Art Unit 2831